

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AUBREY C. AVERY, JR.,

Case No.: 2:16-cv-01774-GMN-EJY

Plaintiff(s),

V.

THE STATE OF NEVADA, EX REL
CLARK COUNTY, EX REL, LVMPD,
OFFICER DONOVAN, SHERIFF D.
GILLESPIE, ET AL., LVMP OFFICER C.
PARQUETTE #13937, LVMP OFFICER
BRISENDINE #14003,

**ORDER REGARDING
SETTLEMENT CONFERENCE**

Defendants.

A settlement conference is set for **Friday, July 31, 2020 at 9:30 a.m.**, by video conference before the undersigned Magistrate Judge. ECF No. 83.

Plaintiff, who is in custody of the Northern Nevada Correctional Center, shall appear and participate in the settlement conference through telephonic and video conferencing. The Warden of Northern Nevada Correctional Center, or his designee, shall make the necessary arrangements for Plaintiff to appear by video conference and shall provide **ELVIA GARCIA**, Courtroom Deputy, with the video conference reservation number and the telephone number at which Plaintiff can be reached at least two days prior to the settlement conference.

Robert W. Freeman, Jr. of Lewis Brisbois Bisgaard & Smith LLP, Counsel for Defendants along with Defendants Las Vegas Metropolitan Police Department representative with settlement authority, and any other necessary parties or representatives for the LVMPD who have binding authority to enter into a binding settlement agreement shall be present by Zoom video conference platform. Counsel for Defendants shall email Ms. Garcia at **Elvia_Garcia@nvd.uscourts.gov**, by **12:00 p.m. on July 29, 2020**, and provide the email addresses of their respective participants. Ms. Garcia shall then email all participants, other than Mr. Avery, a Zoom link.

1 **PREPARATION FOR SETTLEMENT CONFERENCE**

2 Plaintiff's confidential settlement conference statement is limited to no more than a total
3 of 10 pages, including exhibits, and shall be mailed, in an envelope marked "Confidential," to:

4 Chambers of U.S. Magistrate Judge Elayna J. Youchah,
5 Suite 4068,
6 Lloyd D. George United States Courthouse,
7 333 Las Vegas Blvd., South, Las Vegas, Nevada 89101

8 Plaintiff shall mail his brief **no later than Monday, July 20, 2020.** Do NOT send a copy of your
9 brief to opposing counsel.

10 Defendants' confidential settlement conference statement must be delivered electronically
11 to **Emily_Santiago@nvd.uscourts.gov on July 20, 2020.** Do NOT serve a copy of your brief on
12 Plaintiff.

13 The confidential settlement conference must contain the following:

14 1. A brief statement of the nature of the action.
15 2. A concise summary of the evidence that supports your theory of the case, including
16 the names of the witnesses you anticipate will provide evidence in support of your theories. If you
17 claim damages, explain the basis for all amounts claimed.

18 3. Attach documents that you believe are key to the fact and legal issues that will help
19 the Court understand the position you take.

20 4. Your analysis of issues must include a discussion of the strongest points in your
21 case, both legal and factual, and a frank discussion of the weakest points as well.

22 5. Identify and explain any obstacles that you believe may prevent settlement.

23 6. Provide the initial settlement proposal that will be presented at the settlement
24 conference with a justification for any monetary amount. The proposal must include any non-
25 monetary settlement terms that will be presented.

26 The purpose of the confidential settlement statement is to assist the undersigned Magistrate
27 Judge to prepare for and conduct the settlement conference. In order to facilitate a meaningful
28 conference, your complete candor is required. The confidential settlement conference statement

1 will remain confidential. If this case does not settle, the confidential settlement conference
2 statement will not be disclosed to the judge who ultimately presides over the trial. Each statement
3 will be securely maintained in my chambers and will be destroyed following the conference.

4 In addition to the above requirements, the parties and counsel must be substantially
5 prepared to meaningfully participate in the settlement conference in good faith.

6 **FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS**
7 **ORDER WILL SUBJECT THE NON-COMPLIANT PARTY AND/OR COUNSEL TO**
8 **SANCTIONS UNDER FEDERAL RULE OF CIVIL PROCEDURE 16(f).**

9 IT IS SO ORDERED.

10 Dated this 8th day of July, 2020

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13 ELAYNA J. YOUCRAH
14 UNITED STATES MAGISTRATE JUDGE
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